



General Assembly

Substitute Bill No. 1063

January Session, 2015



**AN ACT CONCERNING THE APPLICATION OF PESTICIDES ON
MUNICIPAL PARKS AND PLAYGROUNDS AND AUTHORIZING THE
USE OF CERTAIN MICROBIALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 10-231b to 10-231d, inclusive, [and section 19a-
4 79a,] (1) "pesticide" means a fungicide used on plants, an insecticide, a
5 herbicide or a rodenticide, but does not mean a sanitizer, disinfectant,
6 antimicrobial agent or pesticide bait in a tamper-resistant container, (2)
7 "lawn care pesticide" means a pesticide registered by the United States
8 Environmental Protection Agency and labeled pursuant to the federal
9 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
10 ornamental sites or areas. "Lawn care pesticide" does not include any:
11 (A) Microbial pesticide or biochemical pesticide that is registered with
12 the United States Environmental Protection Agency, (B) horticultural
13 soap or oil that is registered with the United States Environmental
14 Protection Agency and that does not contain any synthetic pesticide or
15 synergist, or (C) a pesticide classified by the United States
16 Environmental Protection Agency as an exempt material under 40 CFR
17 152.25, as amended from time to time, [and] (3) "integrated pest
18 management" means use of all available pest control techniques,

19 including judicious use of pesticides, when warranted, to maintain a
20 pest population at or below an acceptable level, while decreasing the
21 use of pesticides, (4) "microbial pesticide" means a pesticide that
22 consists of a microorganism as the active ingredient, and (5)
23 "biochemical pesticide" means a naturally occurring substance that
24 controls pests by nontoxic mechanisms.

25 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

26 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
27 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
28 antimicrobial agent or a pesticide bait in a tamper-proof container;

29 (2) "Microbial pesticide" means a pesticide that consists of a
30 microorganism as the active ingredient;

31 (3) "Biochemical pesticide" means a naturally occurring substance
32 that controls pests by nontoxic mechanisms;

33 (4) "Lawn care pesticide" means a pesticide registered by the United
34 States Environmental Protection Agency and labeled pursuant to the
35 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
36 garden and ornamental sites or areas. "Lawn care pesticide" does not
37 include (A) a microbial pesticide or biochemical pesticide that is
38 registered with the United States Environmental Protection Agency,
39 (B) a horticultural soap or oil that is registered with the United States
40 Environmental Protection Agency and does not contain any synthetic
41 pesticide or synergist, or (C) a pesticide classified by the United States
42 Environmental Protection Agency as an exempt material pursuant to
43 40 CFR 152.25, as amended from time to time;

44 (5) "Certified pesticide applicator" means a pesticide applicator with
45 (A) supervisory certification under section 22a-54 of the general
46 statutes, or (B) operational certification under section 22a-54 of the
47 general statutes, who operates under the direct supervision of a
48 pesticide applicator with such supervisory certification;

49 (6) "Controlling authority" means the executive head of the
50 municipal department responsible for the maintenance of a park, a
51 playground, other than a playground located on the premises of a
52 school, an athletic field or a municipal green, or such person's
53 designee. "Controlling authority" does not include the executive head
54 of any municipal department responsible for the maintenance of any
55 school; and

56 (7) "Athletic field" means any field or open space used for sporting
57 or sporting-related activities, but does not include a golf course or any
58 such field or open space located on the premises of a school or college
59 or that is used for professional sporting or sporting-related activities.

60 (b) No person other than a certified pesticide applicator shall apply
61 pesticide within any park, playground, other than a playground
62 located on the premises of a school, athletic field or municipal green,
63 except a person other than a certified pesticide applicator may make an
64 emergency application of pesticide to eliminate an immediate threat to
65 human health, including, but not limited to, the elimination of
66 mosquitoes, ticks and stinging insects, provided (1) the controlling
67 authority determines such emergency application of pesticide to be
68 necessary, (2) the controlling authority deems it impractical to obtain
69 the services of a certified pesticide applicator, and (3) such emergency
70 application of pesticide does not involve a restricted use pesticide, as
71 defined in section 22a-47 of the general statutes.

72 (c) No person shall apply a lawn care pesticide on the grounds of
73 any park, playground, other than a playground located on the
74 premises of a school, athletic field or municipal green, except: (1) An
75 emergency application of pesticide may be made to eliminate an
76 immediate threat to human health, including, but not limited to, the
77 elimination of mosquitoes, ticks and stinging insects, provided (A) the
78 controlling authority determines such emergency application of
79 pesticide to be necessary, and (B) such emergency application of
80 pesticide does not involve a restricted use pesticide, as defined in
81 section 22a-47 of the general statutes; and (2) an application of a lawn

82 care pesticide may be made on ornamental plants located on a
83 municipal green.

84 (d) Prior to providing for any application of pesticide on the
85 grounds of any park, playground, other than a playground located on
86 the premises of a school, athletic field or municipal green, the
87 controlling authority shall, within the existing budgetary resources
88 available to the controlling authority, provide public notice of such
89 application not later than twenty-four hours prior to such application
90 of pesticide. Such public notice shall be posted on the Internet web site
91 of the applicable municipality. If a controlling authority determines an
92 emergency application of pesticide to be necessary pursuant to
93 subsection (c) of this section, such notice shall be given as soon as
94 practicable. Notice under this subsection shall include (1) the name of
95 the active ingredient of the pesticide being applied, (2) the target pest,
96 (3) the location of the application of pesticide on the grounds of the
97 park, playground, other than a playground located on the premises of
98 a school, athletic field or municipal green, and (4) the date or proposed
99 date of the application of pesticide. A copy of each notice of such
100 application of pesticide at a park, a playground, other than a
101 playground located on the premises of a school, an athletic field or a
102 municipal green shall be maintained by the controlling authority for a
103 period of five years from the date of application of the pesticide and
104 available to members of the public.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>October 1, 2015</i>	New section

ENV *Joint Favorable Subst.*